IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6642 OF 2005
IN
CRIMINAL APPEAL NO. 952 OF 2005

Sharafat Ali Sher Ali Sayyed ...Applicant

Versus

The State of Maharashtra & Ors ...Respondent

.....

Mr. V.D. Upadhyay, Advocate for Applicant

Mr. Rajesh More, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 18TH OCTOBER, 2005

P. C.:-

1. Heard both sides.

2. The applicant is seeking bail. The applicant has been convicted under Section 363 and 366 of I.P.C. The maximum sentence imposed on the applicant is three years.

3. It is stated by the learned advocate for the applicant that the applicant was on bail pending the trial and this liberty has not been misused by him. This statement has not been controverted by the prosecution. It is further submitted by the learned advocate for the applicant that the maximum sentence

imposed on the applicant is three years and this appeal is not likely to be heard within the said time. It is an admitted fact that besides this case, the applicant is not involved in any other case.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. Looking to these facts and evidence on record, I am inclined to release the applicant on bail.

5. The applicant Sharafat Ali Sher Ali Sayyed to be released on bail in the sum of Rs.20,000/- with one or two sureties to make up the said amount. The applicant is granted four weeks time to furnish requisite sureties. During the pendency of appeal, the applicant shall report on first Sunday of every month to R.C.F. police station, Mumbai.

6. Application is disposed of.

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